



Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of:

D'AMATO ET AL.

Serial No.: 09/780,650

Filed: February 12, 2001

For: ESTROGENIC COMPOUNDS AS ANTI-MITOTIC AGENTS

JUN 01 2004

OFFICE OF PETITIONS

Examiner: Badio, B.

Art Unit: 1616

SUBSTITUTE TERMINAL DISCLAIMER IN PATENTS

This substitute terminal disclaimer is intended to replace the terminal disclaimer filed on February 12, 2001 which contained an error in the Assignee's name. This substitute terminal disclaimer correctly reflects that Assignee's name as "Children's Medical Center Corporation".

It is believed that no fee is required with this submission because the fee for filing a terminal disclaimer was already paid with the terminal disclaimer filed on February 12, 2001. Should a fee be required, the Commissioner is hereby authorized to charge deposit account No. 11-0855.

The owner, The Children's Medical Center Corporation, of the entire interest in the above-identified instant application hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of any of U.S. Patents Nos. 5,504,074, 5,661,143, and 5,643,900, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that said patent and U.S. Patents Nos. 5,504,074, 5,661,143, and 5,643,900 are commonly owned. This agreement runs with any patent granted on the

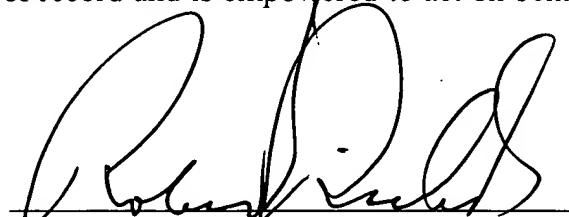
above-identified application and is binding upon the grantee of such patent and its successor or assigns.

In making the above disclaimer, the owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of any of U.S. Patents Nos. 5,504,074, 5,661,143, and 5,643,900, in the event that any of U.S. Patents Nos. 5,504,074, 5,661,143, and 5,643,900 later:

- 1) expires for failure to pay a maintenance fee;
- 2) is held unenforceable;
- 3) is found invalid by a court of competent jurisdiction;
- 4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- 5) has all claims canceled by a reexamination certificate;
- 6) is reissued; or
- 7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record and is empowered to act on behalf of the owner.

Dated: May 21, 2004


Robert E. Richards
Reg. No. 29,105

Kilpatrick Stockton LLP
Suite 2800; 1100 Peachtree Street
Atlanta, GA 30309-4530
Tel. 404.815.6500
Our File: 05213-0493 (43170-253692))